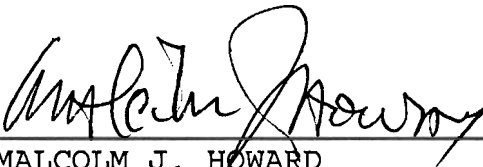


petitioner shall be given additional time to respond to the motion to dismiss, if he so desires. Therefore, the government is directed to promptly re-serve the motion to dismiss and supporting memorandum on petitioner. The government shall file an amended certificate of service showing that the motion has been properly re-served. The petitioner shall have 30 days from the date shown on the certificate of service to respond to the motion to dismiss, if he so desires. The government's motion to dismiss shall be held in abeyance pending the above time frame.

This 5th day of June, 2006.



MALCOLM J. HOWARD
Senior United States District Judge

At Greenville, NC
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